

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK COLSTON,

Plaintiff,

v.

Case No. 2:17-cv-10076

District Judge Nancy G. Edmunds

Magistrate Judge Anthony P. Patti

BOSTON MARKET  
CORPORATION, *et al.*,

Defendants.

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**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION TO  
ORDER DEFENDANTS TO BRING VIDEO TO THE MARCH 14, 2017  
SCHEDULING CONFERENCE (DE 13)**

Plaintiff filed his complaint on January 10, 2017 and Defendants timely answered on February 21, 2017. (DE 1 and 9.) Thereafter, the Court set a scheduling conference pursuant to Federal Rule of Civil Procedure 16(b), requiring both parties to appear on March 14, 2017. (DE 10.) On February 27, 2017, Plaintiff filed a motion titled "Plaintiff's Motion for Immediate Consideration to Order the Defendant[s] to Bring Video of the Robbery that Occurred August 15, 2016 to the March 14, 2017 Conference Hearing." (DE 13.) In his motion, Plaintiff asks the Court to order Defendants to bring evidence to the scheduling conference.

The purpose of the March 14, 2017 conference is to determine the schedule for the entire case, including the timing of discovery. *See* Fed. R. Civ. P. 16(b)(3). Plaintiff will be entitled to seek any discoverable evidence within that schedule and pursuant to Rule 26. Plaintiff may then file a motion to compel under Rule 37 only if Defendants do not provide discoverable evidence within the allotted timeframe and after conducting a meet and confer pursuant to Eastern District of Michigan Local Rule 7.1(a). Accordingly, Plaintiff's pre-discovery motion is premature and is therefore denied without prejudice. (DE 13.)

**IT IS SO ORDERED.**

Dated: February 28, 2017

s/Anthony P. Patti  
Anthony P. Patti  
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on February 28, 2017, electronically and/or by U.S. Mail.

s/Michael Williams  
Case Manager for the  
Honorable Anthony P. Patti